

### Attendance

Council Members: Paul Junio (Chair), George Bowman (Vice Chair), Marcia Kuehl (Secretary), Kurt Knuth, Katie Edgington, Randy Herwig, and Jim Kinscher

DNR Staff: David Webb and Rick Mealy

Others in Attendance: Paul Harris and R.T. Krueger

### Summary and Action Items

At this meeting the Certification Standards Review Council:

- amended and then approved the minutes from their February 10, 2004 meeting.
- reviewed the LabCert Program's audit, report, and closure totals for the third quarter of FY 2004 as well as partial results of the fourth quarter.
- discussed the progress of the NR 149 revision.
- discussed the status of the LabCert Program Review project.
- agreed on August 2, 2004 as the deadline for presenting a revised NR 149 to the Council.
- were informed of federal drinking water certification requirements for PTs, which specify successful analysis of a PT for each analyte and method used to generate compliance data.
- asked the LabCert Program to look into the National Institute for Standards & Technology (NIST)'s revocation of Analytical Standards Inc. (ASI)'s accreditation as a PT provider and how this decision affects Wisconsin's approval of ASI.
- asked for clarification of what is required to utilize new technology, such as Discrete Analyzers
- requested the LabCert Program to develop an SOP for performing lab audits.
- tentatively scheduled the Council's next meeting for Tuesday, August 10, 2004 at the Lodi City Hall.

### Agenda Items

#### **I. Check in/Agenda Repair**

- A. Council members, DNR staff and Guests were introduced. Paul Junio asked to add NR 219 and PT Providers as additional agenda items. George Bowman asked that the subject of Discrete Analyzers and an SOP for performing Laboratory Certification Program audits be added to the agenda as well.

#### **II. Approval of Previous Meeting's Minutes**

- A. The following amendments were suggested by Randy Herwig to the draft minutes from the previous meeting:
- Provide complete names for Alfredo Sotomayor and Diane Drinkman in section IV A.
  - Correct language in IV C to reflect chronological sequence..
- B. The draft minutes--as amended above-- from the Council's November 18, 2003, meeting were approved unanimously (motion: Kuehl; 2<sup>nd</sup>: Bowman).

#### **III. Audit Status – Quarterly Update**

- A. David Webb provided the council with a summary of the Laboratory Certification Program's audits' reports, and audit closures for the third quarter (and fourth quarter to-date) of Fiscal Year 2004. The FY 2004 tallies appear in the tables on the following page. Webb cautioned that these numbers reflect only those data that had been entered into the LabCert database as of 2/9/2004.
- B. Webb stated that he does not plan on missing any of the Program goals with respect to audits, and reminded Council members that goals are simply based on the number of active labs divided by three(3).
- C. Webb further indicated his awareness that the number of unclosed audit "cases" continues to rise, but added that he was in the process of addressing that concern. Other than case closures, the Program is on track to meet performance measures.

### FY 2004 Quarterly Audit Activity

	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
CENTRAL OFFICE				
Audits	11	Audits 10	Audits 9	Audits 2
Reports	13	Reports 12	Reports 6	Reports 1
Closures	5	Closures 12	Closures 4	Closures 0
REGIONAL				
Audits	24	Audits 23	Audits 24	Audits 1
Reports	19	Reports 28	Reports 23	Reports 2
Closures	24	Closures 16	Closures 26	Closures 1

### FY 2004 Cumulative Audit Activity

CENTRAL OFFICE		
Total Year-to-Date	Annual Goals	
Audits	32	44
Reports	32	44
Closures	21	44
REGIONAL		
Audits	72	106
Reports	72	106
Closures	67	106

### Total Labs by Responsibility

CO (Central Office)	130
NE (Northeast Region)	72
WC (West Central Region)	88
SC (South Central Region)	75
SE (Southeast Region)	82
O (Other/Reciprocity Labs)	14

### IV. NR 149 Revision Update

- A. David Webb indicated that, although the [Council meeting] minutes state that the update is on schedule, this is not the case. The schedule called for draft Code language to be available at this time, and it is not. As for what has been generated, approximately 80% of the QC section is complete. Webb indicated that he was evaluating other options to complete the revision, including potential to change the scope, model, and participants. In addition, two other factors are affecting the revision: SDWA PT samples and Whole Effluent Toxicity (WET) testing.
- B. Declining to identify specific reasons for the Code Revision project being off-track, Webb indicated that he wanted to proceed using the input obtained thus far and using the available resources [personnel], which he described as adequate for the task. At this time, Diane Drinkman is working on the Enforcement section and Alfredo Sotomayor continues to work on the QC section. Webb concluded his remarks by stating that a draft Code is not imminent, then opened the discussion up for Council questions.
- C. R.T. Krueger expressed concern that the only portion of the Code that was nearing completion (QC section) was the portion that had already been reviewed and discussed by the Council and the Rule Advisory Committee (RAC). Webb reminded the group that "Topic Prompters", created following each meeting of the RAC, are

available and contain the essence of discussion for each topic.

George Bowman suggested that since at least a piece of the Code was available (which everyone felt was good), perhaps the best option is to completely revise the QC section of the existing Code and then make minor revisions elsewhere in the existing code.

Webb explained that even the proposed changes in the QC section already agreed upon are dependent upon several other critical changes within the existing codes, so it's not quite as simple an undertaking as it may appear.

- D. Noting that the effort has been underway for three years at this point, several members asked where the bottleneck was and what assistance was required to complete the task. Jim Kinscher offered some assistance from a summer student. Webb responded that completing the Code rewrite outside of the Department is not a good solution. He emphasized that the problem is simply that the work has not progressed at the rate it could have.
- E. The idea of re-assigning one auditor from performing audits to re-writing the Code was suggested by Marcia Kuehl. She asked specifically how much audits would drop off if that were to occur. In response, Jim Kinscher questioned how individual constituencies would feel about a reduction in audits resulting from pulling an auditor off task. Paul Junio inquired about the Council's opinion of focusing completely on the Code, for the rest of the quarter, at the expense of audits. Webb stated that sacrificing audits was not an option to which he was amenable.
- F. The discussion switched to the time required to produce something for the review. Webb indicated that he felt only "a couple hundred hours" would be required. His plan is to re-shuffle priorities as needed and possibly even adjust the scope of the project down. Webb also explained that he viewed NR 149 as a Code that would require frequent revision, and not always requiring an Advisory Committee to do so.

Paul Junio suggested setting August 2, 2004 as a deadline to provide a revised NR 149 to the Council. This would allow the Council members some time to review the material before the next scheduled Council Meeting. The August 2<sup>nd</sup> date was agreed upon by all Council members as was scheduling the next Council Meeting for August 10, 2004.

## V. Drinking Water PT Sample Requirements

- G. Rick Mealy informed the Council that The Federal Register dated December 1, 1999 required laboratories certified for drinking water testing to successfully analyze a proficiency testing (PT) sample for each method used to generate compliance data. This final rule took effect January 3, 2000. As part of this Federal Register, changes were made to the fourth edition of the EPA's Manual for the Certification of Laboratories Analyzing Drinking Water. Unfortunately, this manual was never updated.

While it is clear that the federal requirement is to successfully analyze a PT for each drinking water analyte and method, the current version of NR 149 is in conflict with the federal requirement. Members of the LabCert Program met with Department Legal Counsel and members of Department's Water Supply Program to discuss the issue.

Laboratories will be strongly encouraged to comply with the federal requirement immediately. Between now and the requisite code change, LabCert will work to communicate this issue to affected laboratories via LabNotes, the LabCert website and through Council members. The LabCert Program will further collect update method information from laboratories regarding methods used for drinking water analysis. The plan is to be prepared to enforce the requirement with the effective date of the NR 149 revision.

## VI. LabCert Program Review Project

- A. David Webb summarized what had transpired since the last Council meeting. He indicated that 3-5 internal meetings were conducted, which although difficult, proved fruitful. As a result, the Program is very close to finalizing a mission statement. Webb added that with projects such as these, the journey is far more important than the destination itself. He reminded Council members that this was Greg Pils' Leadership Academy project, which ends sometime during the summer. Consequently, there is a need to move forward. Webb further commented that various programs within the agency are currently conducting "niche process" exercises to determine what a specific program's niche is and whether it could be more efficiently administered.

## VII. Other Program and DNR Business

- A. **LabCert Vacancy** - Webb indicated that interviews had been completed and the position was about to be filled when he was informed that he could not fill the position due to pending budget cuts. He expressed uncertainty as to whether the position was formally frozen, but that it certainly could not be filled at this time. The bottom line is that the agency-wide Workforce Reductions affected the position and the Program remains in a holding pattern. Webb assured Council members that he is acutely aware that the position is funded by lab fees. Once freed, Webb indicated that his intent is to re-evaluate the best way to proceed. In any event, the Workforce Reduction dust should be settled by the end of June.

Webb added that audit-related goals have not suffered, and he does not intend for them to suffer. One bit of fallout, however, is that Don Domencich (regional auditor, 1/2 LTE in Northeast Region) will no longer be an auditor as of July due to the vacancy and particulars associated with the Northeast Region.

**NOTE:** *Several weeks after the Council meeting, several changes in the Workforce Reduction scheme allowed LabCert to retain the services of Don Domencich as an auditor in the Northeast Region.*

- B. **Additional Staff for Webb?** - In the wake of JoAnne Farnsworth leaving the Bureau to take a lateral transfer elsewhere in the agency, there is a possibility that Webb will be asked to assume supervision of the Administrative Group. At present, Webb supervises Ron Arneson (State Lab liaison), Laboratory Certification, Operator Certification, 2 Researchers, and a number of LTEs. One of the researchers, Dick Lathrop, is heavily involved in the phosphorus ban.
- C. **Program Visibility** - Webb reported that he has observed a significant increase in the relevance of the LabCert Program to the rest of the agency. There are more people calling daily with both positive and negative comments. The key is that communication is on the rise. Webb indicated that although he sometimes might not like to hear the comments and commenters might be equally reluctant to share them, but they are sharing them, and that is important. Webb recounted a recent experience in which one of the hydrogeologists consulted with LabCert staff regarding specific analytical results, and found that we had a great deal of knowledge to offer.

Webb also reported that the Program has gotten better hooked in with the Permits program. Rick Mealy is now on the Permit distribution list, through which a great deal of draft and final Department Guidance is funneled. It is through the distribution list that LabCert was made aware of the Guidance regarding Water Extractable Phosphorus and LabCert staff inserted their perspectives into this action.

- D. **WET Manual** - Webb reported that the Watershed Management Program is requesting the ability to implement the recent revision of the WET (Whole Effluent Toxicity) Manual in very short order. This action actual involves three Codes: NR 149, NR 219, and NR 106. The plan is to prepare a pink sheet (notification to create/amend rule). This will mean concurrent revisions to NR 149 and NR 219 will be taking place. We are currently on schedule for a revised NR 219 to be final this fall.

Paul Junio mentioned that, shortly after the NR219 package went out, the April 6, 2004 Federal Register, (FR) containing a number of significant lab-related issues, was released. He indicated that he would like to see these changes get rolled into the NR 219 revision. Unfortunately, Paul Harris pointed out that the April 6<sup>th</sup> FR was only a proposed rule, open for public comment. Consequently, we could not consider it for inclusion with NR 219.

- E. **Audit Surveys** - Webb reported that he continues to receive a great rate of return on survey forms. He emphasized that all labs should continue to fill these out and let us know your concerns. In particular, he encouraged labs to let him know if they do not receive an audit survey form as part of any audit.

## VIII. Council Member Items

- A. **ASI loses its NIST Accreditation** - Paul Junio reported that the NIST/NVLAP has updated their list of certified PT providers and Analytical Standards Inc. (ASI) has lost their accreditation. He inquired what this means for the Lab Cert Program, since ASI is an approved provider. Webb and Mealy agreed to look further into the issue.
- B. **Discrete Analyzers** - George Bowman raised the subject of "Discrete Analyzers" and the LabCert Program position on their use in the laboratory. Discrete Analyzers are a new innovation that automates traditionally labor intensive analyses, improving precision.

Webb and Mealy explained that the LabCert Program certifies laboratories, not instruments or methods. Subsequently, the Program requires only that the manufacturer of any particular "Discrete Analyzer" have received a letter from EPA EMSL stating that the Discrete Analyzer" uses chemistries that are already approved under the Clean Water Act or the Safe Drinking Water Act. It was decided that this subject should be addressed in a future edition of LabNotes.

- C. **SOP for Performing An Audit** - George Bowman requested that, after the NR 149 rule revision, he would like to see the LabCert Program develop an SOP for auditing labs. Marcia Kuehl added that she thought that such an SOP would be required as part of the agency's Quality Systems Plan.
- D. **SLH ICP Training** - George Bowman reported that the State Lab of Hygiene and Rick Mealy will be working towards a follow-up training session to the ICP training conducted in Spring 2003. Current plans are to conduct a session in the fall of 2004; the intent is to focus on how to solve real life sample concerns using both older (direct reader) instruments and newer (solid state detection) instruments.

#### IX. Future Meeting Date

- A. The next Council meeting was tentatively scheduled for Tuesday, August 10, 2004 at the Lodi City Hall.